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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

In re F.G., a Person Coming Under the Juvenile  
Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

F.G.,

Defendant and Appellant.

F069562

(Super. Ct. No. 12CEJ600341-3)

**OPINION**

**THE COURT\***

APPEAL from a judgment of the Superior Court of Fresno County. Kimberly Nystrom-Geist, Judge.

Kyle D. Smith, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and Respondent.

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\* Before Gomes, Acting P.J., Poochigian, J. and Franson, J.

The court found that appellant F.G. was a person described in Welfare and Institutions Code section 602 after the court sustained allegations charging him with threatening a school employee (Pen. Code, § 71). Following independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we affirm.

### **FACTUAL AND PROCEDURAL SUMMARY**

Diana Carrillo was a special education teacher at Fresno High School and Regina Sanchez was her instructional assistant. On April 29, 2014, they were administering the STAR test to Carrillo's students. Shortly after 9:30 a.m., as Carrillo instructed the students, Sanchez went around the classroom making sure they were filling out their tests properly. When she approached appellant and pointed out the test version number, he got angry and stated, "Fuck, I don't like it when you come over here. Fuck, I don't like when people tell me what to do." At one point, after appellant said "get the fuck away from me," Sanchez spontaneously told appellant, "I'm not fucking with you." The fear Sanchez experienced caused her to "zone out," i.e., not recall anything, until she was standing in a different position facing appellant, who was now standing up and had his face only six inches away from hers. At that point she could see appellant's lips moving but she could not hear anything. A student then came from behind Sanchez and stepped in between her and appellant.

Carrillo heard appellant arguing with Sanchez, told him to stop and began walking towards him. Before she reached him, however, Carrillo saw appellant stand up and face Sanchez. Appellant was angry and his fists were clenched. Appellant then began calling Sanchez a bitch and was yelling, "Get the fuck away from me." As Carrillo directed appellant out of the classroom and repeatedly told him to stop talking, appellant yelled over his shoulder at Sanchez, "Be glad I didn't knock the fucking glasses off your fucking face, you fucking bitch." After appellant was out of the room it took Carrillo a few minutes to regain order and settle the students down. Carrillo also had to get another

teacher to start the test because she had to focus her attention on appellant. She stayed out in the hall with him for 15 minutes before returning to the classroom.

On May 1, 2014, the district attorney filed a petition charging appellant with misdemeanor threatening a school employee.

On May 27, 2014, following a contested jurisdictional hearing the court sustained the petition's allegations.

On June 10, 2014, the court aggregated time from a prior petition and set appellant's maximum term of confinement at one year two months. The court also placed appellant on probation until June 10, 2015, and committed him to the juvenile justice campus for 30 days.

Appellant's appellate counsel has filed a brief which summarizes the facts, with citations to the record, raises no issues, and asks this court to independently review the record. (*People v. Wende, supra*, 25 Cal.3d 436.) Appellant has not responded to this court's invitation to submit additional briefing.

Following an independent review of the record, we find that no reasonably arguable factual or legal issues exist.

### **DISPOSITION**

The judgment is affirmed.